

condemnation of 2,700 gallons of vinegar at Ogden, Utah, alleging that the article had been shipped by the Idaho Vinegar & Cider Co., from Payette, Idaho, on or about August 3, 1931, and had been transported in interstate commerce from the State of Idaho into the State of Utah, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, to wit, arsenic and lead, which might have rendered it injurious to health.

On February 18, 1932, no claimant having appeared for the property, judgment was entered finding the product adulterated and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19220. Adulteration of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 27959. I. S. No. 5388. S. No. 5980.)

Examination of samples of butter from the shipment herein described having shown that the product contained less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On March 12, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 11 tubs of butter at New York, N. Y., alleging that the article had been shipped on or about March 3, 1932, by Plainview Farmers Cooperative Creamery, from Plainview, Nebr., and had been transported in interstate commerce from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

The Plainview Farmers Cooperative Creamery Co., Plainview, Nebr., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of milk fat. On March 17, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and released by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19221. Adulteration and misbranding of sweetened condensed milk. U. S. v. 7 Barrels of Sweetened Condensed Milk. Consent decree of condemnation and forfeiture. Product released under bond for relabeling. (F. & D. No. 26873. I. S. No. 37356. S. No. 5040.)

Samples of sweetened condensed milk from the shipment herein described having been found to be deficient in milk fat, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On August 15, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 7 barrels of sweetened condensed milk at Dayton, Ohio, alleging that the article had been shipped on or about June 29, 1931, by Sunshine Farms, Lafayette, Ind., and had been transported in interstate commerce from the State of Indiana into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "For Sherman White, Dayton, Ohio, Sunshine Farms, from Indiana Service Corporation, Fort Wayne, Indiana."

It was alleged in the libel that the article was adulterated in that a substance, to wit, sweetened condensed skimmed milk containing practically no milk fat, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength; and for the further reason that sweetened condensed skimmed milk, deficient in milk fat and containing no appreciable amount of milk fat, had been substituted for sweetened condensed whole milk which the said article purported to be. Adulteration was alleged for the further reason that milk fat, a valuable constituent of the article, had been almost wholly abstracted therefrom.

Misbranding was alleged for the reason that the product was an imitation of and was offered for sale under the distinctive name of another article, to wit, condensed whole milk sweetened.

On November 14, 1931, Sherman White & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled, "Sweetened condensed skim milk," under the supervision of this department and disposed of in conformity with the Federal food and drugs act. The decree further provided that the product might be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$400, conditioned in part that it should not be sold or disposed of contrary to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19222. Adulteration and misbranding of grape flavoring sirup. U. S. v. 44 Gallons of Grape Flavoring Sirup. Decree releasing product to be relabeled. (F. & D. No. 26812. I. S. No. 22673. S. No. 4985.)

Examination of samples of sirup from the shipment herein described having shown the product to be an artificially flavored and colored imitation grape concentrate, the Secretary of Agriculture reported the matter to the United States attorney for the District of Utah.

On July 29, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 44 gallons of grape flavoring sirup, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped on or about June 12, 1931, by the Joe Lowe Corporation, from Los Angeles, Calif., and had been transported in interstate commerce from the State of California into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Syrup Grape;" (jugs) "Popsicle * * * Grape Concentrate Artificial Color * * * The Popsicle Corporation of the United States—represented by two exclusive agents, Joe Lowe Corporation, Bush Terminal Bldg., No. 8, Brooklyn, N. Y."

It was alleged in the libel that the article was adulterated in that a substance, an imitation grape concentrate, artificially colored and flavored and containing but a slight trace, if any, of grape juice or flavor, had been substituted for the real article; adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Grape Concentrate" and "Syrup Grape," were false and misleading and deceived and misled the purchaser; and in that the article was an imitation of and was offered for sale under the distinctive name of another article.

On August 18, 1931, the Joe Lowe Corporation, Brooklyn, N. Y., appeared and filed a claim and answer, admitting the allegations of the libel and praying release of the product, and deposited a cash bond in the sum of \$440. On August 20, 1931, the court entered an order releasing the product to the claimant, to be relabeled in conformity with the law, said relabeling to be done under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19223. Adulteration and misbranding of scallops. U. S. v. Charles C. Hine (C. C. Hine). Plea of guilty. Fine, \$100. Sentence suspended. (F. & D. No. 26610. I. S. Nos. 28960, 28964.)

Samples of scallops from the shipments herein described having been found to contain added water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 17, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Charles C. Hine, trading as C. C. Hine, at Cape Charles, Va., alleging shipment by said defendant in violation of the food and drugs act, in part on or about February 27, 1931, and in part on or about February 28, 1931, from the State of Virginia into the State of New York, of a quantity of scallops that were adulterated and misbranded.

Adulteration was alleged in the information in that an added substance, water, had been mixed and packed with the article so as to reduce and lower